

From: Tony K. Olsen
To: Microsoft ATR
Date: 1/16/02 7:13pm
Subject: Microsoft Settlement

To Whom It May Concern

I appreciate the opportunity to present my thoughts on the Microsoft Anti-trust settlement and hope that you find them of value.

Microsoft abused their privileged platform as the "industry leader" by directly forcing the hands of the PC "OEM" distributors to accept their licensing deals or suffer the consequences. These deals were so binding that the "OEM" distributors could not afford to exercise their right to allow other Intel based Operating Systems like BeOS (since bankrupt with all its assets purchased for \$11M by Palm) to be included with their distributions with a boot-loader. As a highly technical computer user (programmer/system administrator) I saw the BeOS as an excellent next-generation operating system, one that could easily compete with Microsoft if the playing field was level. It was technologically superior to all home versions of Windows in the way in which it handled digital media and could have proven to be a low-cost alternative if given half the chance. All that needed to be done was for the purchaser of a new computer to be able to choose which operating system they wanted to run when the computer booted up. This can be easily accomplished with free software known as "boot-loaders". Microsoft was so frightened of this option, whereby the user could freely determine what operating system they wanted to use (and please note that multiple operating systems can co-exist on the Intel platform -- I currently run Windows 98, Linux and BeOS on my Intel Pentium II-350MHz PC), that they legally mandated that the "OEM" distributors MUST only allow Microsoft.

There is an excellent article at Byte Magazine by Scot Hacker, a computer expert and noted computer author:

http://www.byte.com/documents/s=1115/byt20010824s0001/0827_hacker.html

which provides the following details of Microsoft's actions with respect to "boot-loading":

"So why aren't there any dual-boot computers for sale? The answer lies in the nature of the relationship Microsoft maintains with hardware vendors. More specifically, in the "Windows License" agreed to by hardware vendors who want to include Windows on the computers they sell. This is not the license you pretend to read and click "I Accept" when installing Windows. This license is not available online. This is a confidential license, seen only by Microsoft and computer vendors. You and I can't read the license because Microsoft classifies it as a "trade secret." The license specifies that any machine which includes a Microsoft operating system must not also

offer a nonMicrosoft operating system as a boot option. In other words, a computer that offers to boot into Windows upon startup cannot also offer to boot into BeOS or Linux. The hardware vendor does not get to choose which OSes to install on the machines they sell ? Microsoft does. "

This "trade secret" is direct proof of Microsoft's monopolistic practices and inevitably contributed (significantly) to the death of BeOS.

Although I have numerous licensed Microsoft products in my home and installed on my Windows 98 partition of my computer I will never again purchase a Microsoft product nor will I upgrade to the new Windows XP operating system that is arguably one of the most intrusive efforts in the history of computing. Their .net strategy is consistent with their earlier behaviour and is an attempt to destroy the "open source" computing community by forcing consumers, including big businesses, into their proprietary solution. I plan on switching directly from Microsoft to Apple as soon as Apple has their new iMacs (or G5 systems) available for purchase. This is a decision I would not have had to make if Microsoft was not in a position to directly impact a user in a foreign country by their monopolistic practices which ultimately led to the computer software I am/was forced to use.

This behaviour must be stopped before there are more examples of Microsoft's abuse of their privileged monopoly. The only solution to this is to punish Microsoft for each and every computer shipped that the "OEM" distributors were forced to load Microsoft-only operating systems. The best manner in which to enact this punishment is to ensure that those people directly affected by Microsoft's practices are those that are the recipients of the penalty on Microsoft. Therefore I recommend that all computer users in the United States who were affected by Microsoft's practices be allowed to switch to Apple computers at Microsoft's expense. Microsoft would be responsible for purchasing the hardware, purchasing equivalent functioning software (e.g. Microsoft Office 2000 for Windows == Microsoft Office for OS X), and providing (via a third party) technical support. This way those people most affected have the choice of opting in for Apple or choosing to stay with Microsoft. What could be more ironic for Microsoft than to once and for all allow the users to have the say they were denied before.

Thank you for your time. Sincerely,

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